

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 627

Introduced by Assembly Member Brownley

February 25, 2009

An act to add Section 49546.5 to the Education Code, and to add Section 1596.804 to the Health and Safety Code, relating to child nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 627, as amended, Brownley. Child care: nutritional requirements.

(1) Under existing law, the California Child Day Care Facilities Act, the State Department of Social Services licenses and regulates child day care facilities, as defined. A willful or repeated violation of these provisions is a misdemeanor.

This bill would require, ~~as a condition of licensure, that the~~ *that a licensed* child day care facility meet specified health and nutrition-related requirements. ~~This bill would exempt a child day care facility from these requirements, as prescribed, for a child with a documented medical necessity.~~ By changing the definition of a crime, the bill would create a state-mandated local program.

(2) Under existing law, the State Department of Education administers the child care food program pursuant to federal law, under which food is provided to child development programs and alternative child care programs, as defined.

~~This bill would, to the extent allowed by federal law, require entities that receive state reimbursement for meals served pursuant to the child care food program to meet specified health and nutrition criteria, including the above-described requirements of the bill.~~

This bill would, to the extent allowed by federal law, and if an increase in the reimbursement rate for the program occurs, require a participating entity to meet specified health and nutrition criteria, including the above-described requirements of the bill, as a condition for receipt of funds pursuant to the child care food program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Almost 20 percent of children between two years of age and
4 five years of age in California are overweight or obese, and
5 research shows that the condition is difficult to reverse at
6 adolescence or in adulthood.

7 (b) Research demonstrates that taste preferences and lifelong
8 healthy habits are formed in early childhood years.

9 (c) Recent changes to school meals to improve nutrition need
10 to be complimented with changes to the nutrition environment in
11 child care.

12 (d) Recent research demonstrates that the nutrition environment
13 in child care could be improved by encouraging low-fat dairy
14 products, fresh fruits and vegetables, and whole grain products.

15 (e) The State of California has a strong policy and financial
16 involvement in the licensed child care system and in the health
17 and safety of children while they are engaged in that system.

18 SEC. 2. Section 49546.5 is added to the Education Code, to
19 read:

20 49546.5. ~~To the extent allowed by federal law, as a condition~~
21 ~~of receipt of state reimbursement for meals served pursuant to this~~
22 ~~article, participating entities shall do all of the following:~~

23 (a) *Except as provided in subdivision (b), and to the extent*
24 *allowed by federal law, if an increase in the reimbursement rate*
25 *under this program occurs on or after January 1, 2010, a*

1 *participating entity shall, as a condition for receipt of funds*
2 *pursuant to this article, comply with all of the following:*

3 ~~(a)~~

4 *(1) Comply with the health requirements set forth in Section*
5 *1596.804 of the Health and Safety Code.*

6 ~~(b)~~

7 *(2) Limit the serving of fried potatoes to a maximum of one time*
8 *per week.*

9 ~~(c)~~

10 *(3) Limit the serving of sweet grains, including, but not limited*
11 *to, toaster pastries, cookies, coffee cake, sweet rolls, doughnuts,*
12 *or cakes, to no more than two times per week, and only as snacks.*

13 ~~(d) Serve at least one whole grain per day.~~

14 *(4) Provide at least one serving of a whole grain product per*
15 *day.*

16 ~~(e)~~

17 *(5) Limit serving hot dogs, SPAM, luncheon meats, and other*
18 *processed meat products to a maximum of three times per week.*

19 ~~(f)~~

20 *(6) Not serve sugar-sweetened or artificially sweetened*
21 *beverages.*

22 *(7) Not serve canned fruits and vegetables that contain added*
23 *sweeteners other than 100 percent juice.*

24 *(b) If a child has a medical necessity, documented by a*
25 *physician, that prevents a participating entity from complying with*
26 *the requirements of subdivision (a), then the participating entity*
27 *shall be exempt from those requirements, to the extent necessary,*
28 *for purposes of that child only.*

29 SEC. 3. Section 1596.804 is added to the Health and Safety
30 Code, to read:

31 1596.804. ~~As a condition of licensure, child day care facilities~~

32 *(a) Except as provided in subdivision (b), a licensed child day*
33 *care facility shall comply with all of the following health*
34 *requirements:*

35 *(1) Meals and snacks shall include, at a minimum, the amount*
36 *of food and the components that are specified in Section 226.20*
37 *of Title 7 of the Code of Federal Regulations in effect on December*
38 *31, 2009.*

39 ~~(a) Only 2 percent~~

1 (2) *Only lowfat or nonfat* milk shall be served to children over
2 two years of age.

3 ~~(b)~~

4 (3) Juice shall be limited to *a maximum of* one serving per day,
5 and only 100 percent juice shall be served.

6 ~~(e)~~

7 (4) At least one vegetable shall be served at lunch and supper.

8 ~~(d)~~

9 (5) Deep fat frying shall be prohibited onsite.

10 ~~(e)~~

11 (6) Sugar shall be limited to 6 grams per serving for both hot
12 and cold cereals.

13 ~~(f)~~

14 (7) For children in full day care, screen time, including, but not
15 limited to, television, video games, and computer usage, shall be
16 limited to a maximum of one hour per day and shall be limited to
17 ~~educational programming or programs that encourage movement.~~
18 *quality programming*. For children in less than full day care, screen
19 time shall be reduced proportionately.

20 (8) *Water shall be accessible and available for consumption*
21 *throughout the day.*

22 *(b) If a child has a medical necessity, documented by a*
23 *physician, that prevents a child day care facility from complying*
24 *with the requirements of subdivision (a), then the facility shall be*
25 *exempt from those requirements, to the extent necessary, for*
26 *purposes of that child only.*

27 SEC. 4. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.